

**ENTERED**

November 19, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION**

UNITED STATES OF AMERICA

v.

EVARISTO SEPULVEDA, III

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Criminal No. M-20-240-2

**PRELIMINARY ORDER OF FORFEITURE**

Pursuant to Rule 32.2 (b) of the Federal Code of Criminal Procedure this Court now enters a Preliminary Order of Forfeiture and makes the following findings:

1. On or about July 28, 2021, a Federal Grand Jury in the Southern District of Texas, McAllen Division, returned a Third Superseding Criminal Indictment charging EVARISTO SEPULVEDA, III in Count One with conspiracy to possess with intent to distribute a controlled substance, namely 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine and 1,000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, both in violation of Title 21, United states Code, Sections 846, 841(a)(1), and 841(b)(1)(A). The same Third Superseding Criminal Indictment charges in Count Three that EVARISTO SEPULVEDA, III did knowingly and intentionally possess with intent to distribute a controlled substance which was 5 kilograms or more, namely 320 kilograms of a mixture or substance containing cocaine, in violation of Title 21, United States Code Sections 841(a)(1) and 841(b)(1)(A) as well as Title 18, U.S.C., Section 2.

2. The Criminal Indictment included a notice of forfeiture pursuant to Title 21, United States Code, Section 853 in which the United States sought forfeiture of the following real property:

B. The real property, improvements, and appurtenances located at 27 Midway, Rio Grande City, Texas and legally described as follows:

*Lot Seven (7) Midway Acres S/D, Property Description: Starr County  
Property ID: 94626, Geographic ID: 11963-00000-00700-000000.*

2. Defendant, EVARISTO SEPULVEDA, III, pled guilty to Count One of the Third Superseding Criminal Indictment on November 9, 2021. This Court, having considered the Defendant's plea and the factual basis submitted by the Government, has found the Defendant guilty of conspiracy to possess with intent to distribute controlled substances as charged in Count One of the Third Superseding Criminal Indictment.

3. The factual basis submitted by the Government's attorney during the plea colloquy further establishes the requisite nexus between the offense of conspiracy to possess with intent to distribute controlled substances, namely marijuana and cocaine, and the forfeiture of the subject real property listed herein.

4. Defendant agreed to the forfeiture to the United States of the subject real property.

5. As a result of the foregoing, the Court finds that the subject real property, is forfeited to the United States and that the United States has a forfeiture of said real property against defendant EVARISTO SEPULVEDA, III. Said forfeiture shall be included in the Defendant's sentence and judgment.

6. The Drug Enforcement Administration ("DEA") shall seize the real property to be forfeited, conduct any discovery the Court considers proper, and dispose of the property to be forfeited in accordance to law.


7. The forfeited real property shall be held by DEA as custodian pending the signing of a final order of forfeiture or further order of the Court.

8. Pursuant to 21 U.S.C. § 853(n), the United States shall: (a) directly notify all persons or entities known to own or claim an interest in the forfeited property; and (b) publish in a Government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) notice of the entry of this Order, the intent of

the United States to dispose of the forfeited property, and advise any claimants to file a petition with the Court and the Assistant United States Attorney assigned to this matter within thirty (30) days of the final publication of this notice or if actual notice was received, then within thirty (30) days of receipt, requesting the court for a hearing to adjudicate the validity of his/her alleged interest in the property. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought. The petition should be filed with the United States District Clerk, Southern District of Texas, McAllen Division, United States Courthouse, Bentsen Tower, 1701 W. Business Highway 83, McAllen, Texas 78501. A copy of the petition shall be sent to Rick Blaylock, Assistant United States Attorney, 600 E. Harrison St., Brownsville, TX 78520.

9. Upon adjudication of all third-party claims, the Court will enter a final judgment and order of forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED November 19, 2021, at McAllen, Texas.

  
Randy Crane  
United States District Judge